



181/01332 A04

#10/D  
SR  
11-1-12

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. KOCHMAN, et al.

Serial Number: 09/552,586

Art Unit: 3764

Filed: April 19, 2000

Examiner: YU, J. R.

Title: Massager Providing Radiant Heat and Mechanical Manipulation

## AMENDMENT

Honorable Commissioner of Patents and Trademarks  
Washington DC 20231RECEIVED  
OCT 31 2002

TECHNOLOGY CENTER R3700

Sir:

The present amendment is in response to the Office Action mailed July 31, 2002. The Office Action responds to entry of applicant's amendment submitted with a request for a continued examination (RCE) under 37 CFR §1.114. Presently, claims 48-52 in the application are pending. Claims 51 and 52 are withdrawn as being drawn to a nonelected invention.

## IN THE CLAIMS

Kindly cancel claims 51 and 52.

## REMARKS

Claims 48-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bleeker et al. (US 6,017,320) in view of Smit et al. (4,292,971) and Cheng (US 5,336,159). The rejection is a new ground of rejection and is submitted by the Examiner in place of the previous rejection in which claims 48-50 were rejected over the Bleeker 320 patent in view of the Cheng 159 patent.

The Examiner points out that Bleeker teaches a massaging apparatus comprising rollers and a suction chamber within a housing, but lacks a heat source. Smit teaches a skin treatment appliance including a heater for applying heat to the skin before suction by a vacuum source is applied. The Examiner submits that it would be obvious to provide Bleeker's apparatus with a coiled non-radiant heater as taught by Smit "in order to enhance the treatment effect". To provide the radiant heater claimed by the present invention the Examiner further submits that it is obvious to replace the Smit heater with the radiant heater taught by Cheng. Applicants respectively traverse the Examiner's arguments.

3764

## AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): Michael KOCHMAN, et al

Docket No.

181/01332

Serial No.

09/552,586

Filing Date

April 19, 2000

Examiner

YU, J. R.

Group Art Unit

3764

Invention: MASSAGER PROVIDING RADIANT HEAT AND MECHANICAL MANIPULATION

RECEIVED

OCT 31 2002

TO THE ASSISTANT COMMISSIONER FOR PATENTS: TECHNOLOGY CENTER R3700

Transmitted herewith is an amendment in the above-identified application.

- ☒ Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- ☐ A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	3 -	47 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	1 -	4 =	0 x	\$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-3419  
A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Dated: October 30, 2002

Signature

Maier FENSTER, Reg. No. 41,016

Roy N. Envall, Jr.  
c/o Anthony Castorina  
2001 Jefferson Davis Highway, Suite 207  
Arlington, VA 22202

Tel: (703) 415-1581

CC:

I certify that this document and fee is being deposited  
on \_\_\_\_\_ with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence